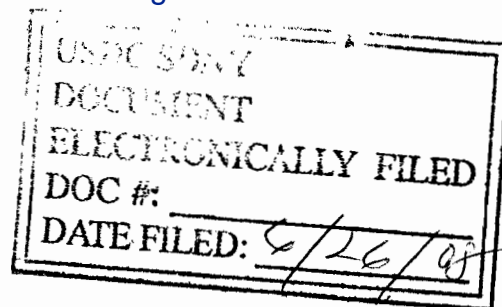




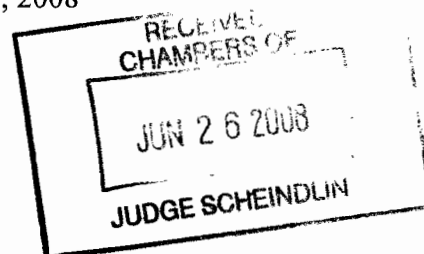
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel



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June 25, 2008



BY HAND DELIVERY

Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ronald Spear v. Warden Hughes, et. al., 08-CV-4026 (SAS) (MHD)¹

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants' Warden Mark Hughes and Correction Officer M. Butt time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days from June 25, 2008 to and including August 25, 2008. The docket sheet does not provide a contact telephone number for *pro se* plaintiff, Ronald Spear, so I have been unable to contact him to obtain his consent to this initial enlargement of time. However, I have no reason to believe that he would object to this request.

The complaint alleges, *inter alia*, that on January 31, 2008, approximately thirty New York City Department of Correction ("DOC") Officers employed excessive force against plaintiff in violation of his civil rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution an authorization for the release of his medical records. Defendants cannot obtain these records without the authorization, and without the records, defendants cannot properly assess this case or respond to the complaint. An enlargement of time will also allow us time to secure any relevant underlying DOC records. Accordingly,

¹ This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

Request granted. Defendants' time to respond to the Complaint is extended to and including August 25, 2008. Further extensions will be granted. So Ordered. [Signature] USDC 6/26/08

defendants require this enlargement so that this office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

Moreover, an enlargement of time is necessary to resolve representation issues. Plaintiff names Warden Mark Hugles and Correction Officer M. Butt as defendants.² Pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office must determine based on a review of the facts of the case, whether we may represent defendants Hugles and Butt. Hugles and Butt must then decide whether they wish to be represented by the Corporation Counsel, and if so, the Corporation Counsel's office must obtain their written authorization.

No previous request for an enlargement of time has been made. Accordingly, defendants respectfully request that their time to answer or otherwise respond to the complaint be enlarged sixty (60) days June 25, 2008 to and including August 25, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,



Caryn Rosencrantz (CR 3477)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Ronald Spear
Pro Se Plaintiff
100 Benchly Place, Apt. #23E
Bronx, New York 10475
(By First Class Mail)

² This office has not yet discussed with defendants Hugles and Butt the manner of service, and we make no representation herein as to the adequacy of process. Although this office does not currently represent defendants Hugles and Butt, and assuming they were properly served, this office respectfully requests this extension on their behalf so that their defenses are not jeopardized while representational issues are being decided.